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C O N F I D E N T I A L BUENOS AIRES 000798

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E.O. 12958: DECL: 04/05/2016

TAGS: AR KTIA MARR MOPS MASS

SUBJECT: ARGENTINA: NEGOTIATING A STATUS OF FORCES  
AGREEMENT FOR THE UNITAS-ATLANTIC PHASE EXERCISE

REF: A. STATE 49791

1B. 04 BUENOS AIRES 2167

1C. 05 BUENOS AIRES 1185

Classified By: Ambassador Lino Gutierrez, Reasons 1.4(b) and (d).

11. (U) This is an action request. Please see paragraph 5.

12. (C) POLOFF met April 4 with Minister Ricardo Boccalandro and Counselor Paulo Cavalleri in the MFA's Office of International Security (DIGAN) to discuss the text of the draft diplomatic note (ref. A) on a short-term Status of Forces Agreement (SOFA) for the November 2006 UNITAS-Atlantic Phase Exercise.

13. (C) Cavalleri, who handles stationing issues, said that DIGAN had submitted the proposed text to the MFA's Legal Office for review. However, he raised two main problems; one of substance and one of format:

A) Substance: Cavalleri said that he saw "no change in the political climate" since our previous (informal) request for immunities equivalent to administrative and technical status (A&T) for military personnel associated with President Bush's November 2005 visit to Mar del Plata during the Summit of the Americas. Cavalleri said granting our request for A&T immunities would be a political decision, but he predicted a "no." Cavalleri also asked whether Brazil had granted A&T equivalent status during the Atlantic Phase of last year's UNITAS exercise.

B) Format: Cavalleri said that the GOA could not conclude any type of SOFA through an exchange of diplomatic notes. The entry of foreign troops onto Argentine territory is governed by the Framework Law passed in 2004 (see ref. B). That law requires the MOD to submit a proposed list of exercises by March 1 of every year, which is then approved by Congress. Cavalleri said that although the UNITAS exercise had been on the MOD list, there had been no mention of U.S. troops entering Argentine territory. (Cavalleri later asked for confirmation on when and exactly how many U.S. military personnel would be entering Argentina during UNITAS.) Cavalleri said that the Framework Law allowed additional requests to be submitted after the March 1 deadline, but that these requests would require separate stand-alone legislation.

14. (C) COMMENT: We do not view the format issue as a major problem. The governing party has overwhelming control of the Congress and can propose and pass virtually any legislation at will. On the question of A&T immunities, however, we

expect that the GOA will offer us the exact same deal that we received during the President's visit last November, that is, "Functional Immunities" as defined by Article 37.3 of the 1961 Vienna Convention on Diplomatic Relations. (A full explanation of the military immunities issue in Argentina can be found in ref. C)

¶5. (C) ACTION REQUEST: Post seeks Department's guidance on whether to ask the MFA and MOD to convert the substance of the ref. A text into separate authorizing legislation for the UNITAS Atlantic Phase Exercise. Post also seeks guidance on how to respond if the GOA, as we expect, declines to grant our request for A&T equivalent status.

¶6. (U) Reftels available at  
<http://www.state.sgov.gov/p/wha/buenosaires.</a>>

GUTIERREZ